

1984 WL 249821 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 9, 1984

\*1 The Honorable Ron L. Cobb  
Member  
House of Representatives  
404B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Cobb:

You have asked which members of the Real Estate Commission may participate in the selection of the Real Estate Commissioner, who is appointed by the Commission pursuant to [Section 40-57-80, Code of Laws of South Carolina \(1976\)](#). [Section 40-57-50 of the Code \(1983 Cum. Supp.\)](#) defines the membership and selection of the Real Estate Commission itself to include both real estate members and persons not professionally engaged in the real estate business. [Section 40-57-80 of the Code](#) states in part, ‘The Real Estate Commission shall appoint a Real Estate Commissioner, . . .’ (emphasis added). An examination of these pertinent provisions reveals no basis for distinguishing between the professional and non-professional members of the Commission for purposes of participating in the selection of the Real Estate Commissioner. I would therefore advise that all members of the Real Estate Commission are entitled to participate in the election of the Real Estate Commissioner.

I hope that I have sufficiently responded to your inquiry. If you need additional clarification, please contact me.

Sincerely,

Patricia D. Petway  
Staff Attorney

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